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9 Attorney for
10 ROBERTO PASCACIO-GARCIA

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 ***

14 UNITED STATES OF AMERICA,
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16 Plaintiff,
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18 vs.
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20 ROBERTO PASCACIO-GARCIA,
21
22 Defendant.

Case No. 2:19-cr-00305-APG-NGK

**STIPULATION TO CONTINUE
SENTENCING DATE**

(Second Request)

23 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas Trutanich,
24 United States Attorney and Simon Fanzong Kung, Assistant United States Attorney, counsel
25 for the United States of America, and Shawn R. Perez, Esq., counsel for Defendant Roberto
26 Pascacio-Garcia, that the Sentencing currently scheduled for January 6, 2021, be vacated and
27 continued to a date and time convenient to the Court, but no sooner than March 1, 2021.

28 This stipulation is entered into for the following reasons:

1. Defendant Roberto Pascacio-Garcia, primarily a Spanish speaker, is in custody at Nevada Southern Detention Center in Pahrump.
2. As a result of Pandemic and the related health concerns, the sentencing set for January 6, 2021 is to be conducted by video.
3. A brief continuance of 60 days is requested to allow the hearing to be conducted in person at the request of the Defendant.
4. The Defendant is in custody and agrees to a continuance.

1 5. Counsel for the parties agree to the continuance.

2 6. The additional time requested herein is not sought for purposes of delay, but merely
3 to allow the hearing to proceed in person rather than by video conferencing. Denial of this
4 request could result in the miscarriage of justice..

5 7. The additional time requested by this Stipulation is excludable in computing the time
6 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
7 United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18,
8 United States Code, Section 3161(h)(7)(B)(i) and 3161 (h)(7)(B)(iv).

9 8. This is the second stipulation to continue sentencing.

10 DATED this 29th day of January, 2021.

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12 Law Office of Shawn R. Perez

13 By: /s/ Shawn R. Perez
14 Shawn R. Perez, Esq.
15 Counsel for Defendant
16 Roberto Pascacio-Garcia

NICHOLAS TRUTANICH
United States Attorney

By: /s/ Simon Fanzong Kung
Simon Fanzong Kung
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERTO PASCACIO-GARCIA,

Defendant.

Case No. 2:19-cr-00305-APG-NGK

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER ON STIPULATION TO
CONTINUE SENTENCING**
(Second Request)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant Roberto Pascacio-Garcia, primarily a Spanish speaker, is in custody at Nevada Southern Detention Center in Pahrump.
2. As a result of Pandemic and the related health concerns, the sentencing set for January 6, 2021 is to be conducted by video.
3. A brief continuance of 60 days is requested to allow the hearing to be conducted in person at the request of the Defendant.
4. The Defendant is in custody and agrees to a continuance.
5. Counsel for the parties agree to the continuance.
6. The additional time requested herein is not sought for purposes of delay, but merely to allow the hearing to proceed in person rather than by video conferencing. Denial of this request could result in the miscarriage of justice.
7. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161 (h)(7)(B)(iv).

1 8. This is the first stipulation to continue sentencing.

2 **CONCLUSIONS OF LAW**

3 The ends of justice served by granting said continuance outweigh the best interest of
4 the public and the defendant in a speedy trial, since the failure to grant said continuance
5 would be likely to result in a miscarriage of justice, would deny the Defendant herein the
6 opportunity to appear in person for the sentencing hearing rather than by video conferencing.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
8 United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United
9 States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED the sentencing currently scheduled for January 6,
12 2021, be vacated and continued to March 3, 2021 at the hour of 1:00 p. m., Courtroom
13 6C.

14 DATED this 30th day of December, 2020.

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16 HONORABLE ANDREW P. GORDON
17 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of December, 2020, the undersigned served the foregoing on all counsel herein by causing a true copy thereof to be filed with the Clerk of Court using the CM/ECF system, which was served via electronic transmission by the Clerk of Court pursuant to local order.

/s/ Shawn R. Perez, Esq.

SHAWN R. PEREZ, ESQ.